

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6843

ANTHONY HANEY,

Plaintiff - Appellee,

versus

JACK KAVANAGH,

Defendant - Appellant,

and

CECILE LEAK; DONNA WHIMS; THE WACKENHUT COR-
PORATION, d/b/a Correctional Food Services
Management,

Defendants.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (CA-
98-3942-DKC)

Submitted: November 16, 2000

Decided: December 4, 2000

Before WILKINS and MICHAEL, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

John Joseph Curran, Jr., Attorney General, David Phelps Kennedy,
OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland,
for Appellant. Anthony Haney, Appellee Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Jack Kavanaugh appeals from the district court's order denying his motion for summary judgment in this 42 U.S.C.A. § 1983 (West Supp. 2000) action. We dismiss the appeal for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949).

An order rejecting a claim of qualified immunity is appealable, provided the denial rests on a "purely legal" determination that the facts establish a violation of "clearly established law." Johnson v. Jones, 515 U.S. 304, 313 (1995). The order here appealed rested its denial of summary judgment on a factual issue—what role Kavanaugh played in the alleged constitutional violation—and therefore is neither a final order nor an appealable interlocutory or collateral order.

Accordingly, we dismiss the appeal as interlocutory. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED